IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.304 OF 2005
IN
WRIT PETITION NO.1368 OF 1999

M/s. Khodiyar Builders .... Petitioners
Vs.
The State of Maharashtra & Ors. .... Respondents

Sarvasri A.J. Mishra i/b S. Sabnis for
the Petitioners.
Shri Rajiv Mane, AGP, for the Respondent
No.1.
Shri Vinod Mahadik for the Respondent No.2.
Sarvasri M.S. Dalvi i/b M.V. Kini for
the Respondent No.3.

CORAM: R.M.S. KHANDEPARKAR &
V.M. KANADE, JJ.

DATED: AUGUST 22, 2005

P.C:

Heard. Considering the facts disclosed in the affidavit in support of the notice of motion, same reveals sufficient cause for non-appearance of the petitioners and their Advocate when the matter was called out and dismissed for default on 3-9-2004 and therefore the same needs to be recalled and the petition being restored to the board. Accordingly, the notice of motion is made absolute in terms of the prayer clause (a). The Writ Petition No.1368 of 1999 stands restored to the board and shall be listed for final hearing in due course. Notice of motion stands disposed of with no order as to costs.

(V.M. Kanade, J.) **(R.M.S. Khandeparkar, J.)**